

*

ACT OF TRANSFER AND ACCEPTANCE

STATE OF LOUISIANA:

PARISH OF *:

THIS ACT OF TRANSFER AND ACCEPTANCE ENTERED INTO BY AND BETWEEN:

THE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT OF THE STATE OF LOUISIANA, an executive department of the State of Louisiana, domiciled in the City of Baton Rouge, Parish of East Baton Rouge, State of Louisiana, represented herein by JAMES M. DOUSAY, REAL ESTATE ADMINISTRATOR, authorized by Policy and Procedure Memorandum Number 44, dated August 24, 1977, as amended, issued by the Secretary of the Louisiana Department of Transportation and Development, hereinafter referred to as "DEPARTMENT", and * hereinafter called "*", represented herein by *, its *, as authorized by the certified copy of the Resolution attached hereto and made a part hereof, which agreement is as follows;

WHEREAS, for the mutual promises and consideration as set out herein, the parties hereto agree to the following plan for the DEPARTMENT to transfer all of its right, title and interest in the roadway including but not limited to shoulders, roadside and lateral ditches and bridges, to *, as hereinafter and affecting the following described property, to-wit:

D E S C R I P T I O N

*

WHEREAS, the DEPARTMENT, acquired the above described property by Right of Way Deeds from *, recorded in *, on *, in the records of *, State of Louisiana, and has operated and maintained same since Nineteen Hundred and * (199*), and, OR, if the recordation information is not available, type the following in its place.

WHEREAS, the DEPARTMENT, acquired the above described property by deeds from various owners and recorded in the conveyance records of * Parish, State of Louisiana, and has operated and maintained same since, and,

NOW THEREFORE, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree as follows:

In the interest of maintaining a public thoroughfare for the continued use by the people of the *, the DEPARTMENT does hereby transfer all of its right, title and interest into the above described roadway, and the duties, obligations and responsibilities for the operation and maintenance of the aforescribed roadway, to the *. The * does hereby unconditionally accept the operation and maintenance of the aforementioned roadway and accepts the DEPARTMENT’s right, title and interest, and does hereby agree to save and hold the DEPARTMENT harmless from any and all liability or claims for damages arising out of the subsequent operation and maintenance and does expressly agree to defend any suit of any nature which may be brought against the DEPARTMENT and pay any judgment which may result from any suit as it relates to this Transfer.

In the event this property is used in commerce for the traveling or general public, the requirements of Appendix A shall apply.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written.

WITNESSES:	STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

	BY: _____
	REAL ESTATE ADMINISTRATOR

ACKNOWLEDGEMENT

STATE OF LOUISIANA:

PARISH OF EAST BATON ROUGE:

BEFORE ME, the undersigned authority this day personally appeared _____, to me personally known to be the identical person whose name is subscribed to the foregoing instrument as an attesting witness, who being first duly sworn on his/her oath, says: That he/she subscribed his/her name to the foregoing instrument as a witness, and that he/she knows _____, who executed the same and saw him/her sign the same as his/her voluntary act and deed, and that he/she, the said _____, subscribed his/her name to the same at the same time as an attesting witness.

AFFIANT

SWORN TO and subscribed before me, this _____ day of _____,
20____.

NOTARY PUBLIC
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
STATE OF LOUISIANA

RECOMMENDED FOR APPROVAL

BY: _____
WILLIAM H. TEMPLE
CHIEF ENGINEER
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT
STATE OF LOUISIANA

WITNESSES:

ACCEPTED BY:

BY: _____
ITS: _____

SWORN TO and subscribed before me, this _____ day of
_____, 20 ____.

NOTARY PUBLIC
IN AND FOR THE PARISH
OF _____

APPENDIX A

The _____ for itself, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property herein described, for the accommodation of the traveling public or business users of any Federal-aid highway (such as eating, sleeping, rest, recreations, and vehicle servicing), it will not discriminate on the grounds of race, color, religion, sex, national origin, veteran status, political affiliation, disabilities or because of an individual's sexual orientation against such traveling public or highway users in their access to and use of the facilities and services so constructed, maintained or otherwise operated, and that the _____ shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part 8 (15 C.F.R., Part 8), and as said Regulations may be amended, and additionally agrees to abide by the requirements of the following as applicable: Title VI and VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, Federal Executive Order 11246, the Federal Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustments Assistance Act of 1974, Title IX of the Education Amendments of 1972, the Age Act of 1972, and the American with Disabilities Act of 1990.

That in the event of the breach of the above non-discrimination covenants, the Department shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Department and its assigns.